(c) what are the details of other Writ Petitions filed against Government, when they were filed and whether counter affidavits have been filed in each case and if so, when; and

(d) the reasons for which all the Writ Petitions have not been clubbed together and brought before the Supreme Court to expedite the recovery ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FLEIRO) : (a) Yes, Sir.

(b) to (d) To the extent information available, the details asked for are given in the statement annexed. The pending Writ Petitions filed by drug companies in various High Courts, are being pursued. As a result recoveries/Bank guarantees to the extent indicated in Col. 6 against S. No. 1, 2, 3, 4 & 8 have been obtained. [*See* Appendix 170, Annexure 27.]

Monopoly in the manufacture of drugs

1278. SHRI RAJNI RANJAN SAHU : Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state :

(a) whether Indian companies have monopoly in the manufacture of any of the bulk drugs; if so, what steps have been taken to break this monopoly;

(b) whether it is a fact that anumber of drugs of multinational companies having monopoly have been kept outside price control and if so, what are their names ;

(c) whether it is also a fact that criteria for decontrol are not applicable in their case, if so, on what basis their drugs are kept outside price control; and

(d) what are the names of such drugs and formulations based thereon, whose prices have increased by more than 50 percent after the announcement of DPCO, 1987 ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO) : (a) to (c) The various aspects including inclusions/exclusions of drugs is part of the Review of the Drug Policy, 1986 and decisions thereon are in the advanced stage of consideration.

(d) The number of bulk drugs and their formulations in various dosage forms, strengths and pack sizes runs into thousands. Time and labour involved in the collection and compilation of the desired information would not be commensurate with the results likely to be achieved.

Metronidazole procured by M/s. Rhone Poulanee

1279. SHRI RAJNI RANJAN SAHU : Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state :

(a) whether it is a fact that large quantities of Metronidazole are being procured by M/s Rhone Poulance from 1979 onwards at a price lower than the notified price;

(b) whether it is also a fact that the company has failed to furnish the details of quantity procured and the rate of procurement and as a result the, amount liable to be recovered has not been recovered from them;

(c) whether it is also a fact that instead of getting the details, they have been shielded and

(d) what steps have been taken to assess their liability to pay in respect of Metronidazole and its salts under Para 7(2) of DPCO, 1979 ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO) : (a) to (d) M/s Rhone Poulence was issued notice and then several reminders to submit the required data to work out the liability under Para 7(2) of DPCO, 1979 in respect of bulk drug Metronidazole. Against the notice, the company had requested for personal hearing which was granted to them in June, 1993 in which the company had raised some legal issues which have been referred to Ministry of Law for advice.

DL-2 Aminobutanol and D-Tartaric Acid

1280. PROF. I. G. SANADI :
SHRI ANANT RAM JAISWAL : Will the Minister of CHEMICALS AND FERTILIZERS be pleased to refer to answer to UNSTARRED Question 2083 given in the Rajya Sabha on the 12th August, 1993 and state :

(a) whether complaints of misutilization of

imports of DL-2-Aminobutanol and D-Tartaric Acid and that records relating to fixation of responsibility have been removed from the Ministry's files;

(b) why the imports and their utilization have not been verified in this case;

(c) whether there is any specific prohibiton under any specific law which prevents the Minstry from doing so; and

(d) whether it is a fact that frauds worth crores of rupees have been committed in connivance with the Ministry ?

THE MINISTER OF STATE FOR CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO) : (a) to (d) There is no such file in the Ministry dealing with the matter of misutilization of import of DL-2 Aminobutanol and D-Tartaric Acid for the manufacture of bulk drug Ethambutol Hcl. However, there was a case relating to non adoption of latest data in the cost cum technical report for bulk drug Ethambutol prepared by the BICP in 1988.

M/s S. G. Pharmaceuticals

1281. PROF. I. G. SANADI :
SHRI ANANT RAM JAISWAL :

Will the MINISTER OF CHEMICALS AND FERTILIZERS be pleased to refer to answer to Unstarred Question 2085 given in the Rajya Sabha on the 12th August, 1993 and state :

(a) whether it is a fact that Government are shielding M/s S. G. Pharmaceuticals and its contentions that there is no liability of the company into DPEA in respect of Xylocaine and its formulations, is wrong;

(b) why did the company file a writ petition in the Delhi High Court and obtained stay if there was no liability;

(c) what were the prices of Xylocaine formulations and on what price of Xylocaine and mark up they were based on whether Government stayed the formulation prices worked out by the Sub-Committee of the DPRC in 1981;

(d) why the records have not been verified and the House has been misinformed; and

(e) who is responsible for such a state of affairs and hobnobbing with the company ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO) : (a) to (e) Information is being collected and will be laid on the Table of the House.

Affairs of M/s ARISTO and M/s RHONE Poulanc

1282. PROF. I. G. SANADI :
SHRI ANANT RAM JAISWAL :

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to refer to answer to Unstarred Question 2084 given in the Rajya Sabha on the 12th August, 1993 and state :

(a) whether Government have legal and unassailable right under the DPCO and the essential commodities Act, 1955 to call for any information having a bearing on the price;

(b) if so, why M/s Rhone Poulanc and M/s Aristo have not been prosecuted so far for not furnishing information relating to Metronidazole procurement and price;

(c) whether it is a fact that Government are soft pedalling the issue due to high connections of both the companies;

(d) what are the bulk drugs the production of which has been discontinued by M/s Rhone Poulanc and what are the bulk drugs produced by them from imported penultimates/intermediates; and

(e) why have they not gone basic and what was the import in terms of quantity and CIF value of each of these intermediates during the last three years, year-wise ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO) : (a) to (c) The notices to submit the required data to work out the liabilities under Para 7(2) of DPCO 1979 in respect of bulk drug Metronidazole were issued to M/s Rhone Poulanc and M/s Aristo. M/s Rhone Poulanc had requested for personal hearing which was granted to them in June, 1993 in which the company has raised some legal issues which have been referred to Ministry of Law for advice. M/s Aristo has not submitted any details in spite of repeated reminders and the company has been informed that in case of failure to submit the required details, Government would be left with no alternative, but to